

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF/RESPONDENT

v.

Civil No. 05-2095
Crim. No. 98-20022-001

PHILLIP HANEY

DEFENDANT/MOVANT

ORDER

On this 5th day of October 2005, there comes on for consideration the Report and Recommendations filed in this case on September 23, 2005, by the Honorable Beverly Stites Jones, United States Magistrate for the Western District of Arkansas. (Doc. 81). Defendant has filed written objections to the Report and Recommendations. (Doc. 82).

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The Report and Recommendations are proper and should be and hereby are adopted in their entirety. Accordingly, Defendant's Motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is DISMISSED WITHOUT PREJUDICE as he must move in the Eighth Circuit Court of Appeals for an order authorizing this Court to consider a second or successive § 2255 motion. See 28 U.S.C. §§ 2255, 2244(b)(3)(A).

IT IS SO ORDERED.

/s/ Robert T. Dawson
Robert T. Dawson
United States District Judge